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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY, POCKET NO.
097687,689	10/19/00	BUSSIER	11123807474

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QM12/1026

JONES, S	EXAMINER
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ART UNIT 3713	PAPER NUMBER
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DATE MAILED: 10/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/687,689

Applicant(s)

BUSSICK ET AL.

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, and 5-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett.

Bennett (U.S. 6,089,977) discloses a slot machine having a base game with a roaming wild card feature. Bennett discloses:

Regarding Claim 1:

- maintaining a list of award yielding symbols and symbol combinations in a controller (Abstract, Column 1, line 61-Column 2, line 30, and Figure 1 (35));
- generating a set of symbols (Abstract, and Column 1, line 61-Column 2, line 30);
- providing an award for each symbol and symbol combination of the list appearing in the set (Abstract, Column 1, line 61-Column 2, line 30);
- replacing one or more symbols in the set (Abstract, and Column 1, line 61-Column 2, line 30);
- providing an award for each symbol and symbol combination of the list appearing in the set (Abstract, Column 1, line 61-Column 2, line 30, and Column 3, lines 28-32).

Regarding Claims 2 and 18:

- generating a set of symbols includes randomly generating the set (Abstract, and Column 1, line 61-Column 2, line 30).

Regarding Claim 3:

- generating a set of symbols includes an animation of the symbols used for the replacement of the symbols (Abstract, and Column 1, line 61-Column 2, line 30). The wild card (penguin) animates as it moves along a path on the screen replacing each symbol.

Regarding Claims 5 and 6:

- generating a set of symbols includes generating a plurality of symbols on a payline of a slot machine (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63, and Figures 1 and 3). Figures 1 and 3 show at least three paylines on a slot machine.

Regarding Claim 7:

- generating a set of symbols includes generating a set of symbols in a bonus round of a gaming device (Abstract, and Column 1, line 61-Column 2, line 30). A different set of symbols are generated each time the wild card moves to another reel position.

Regarding Claim 8:

- generating a set of symbols includes generating a plurality of playing cards and replacing one or more symbols includes replacing one or more of the playing cards (Abstract, Column 1, line 61-Column 2, line 30, Column 5, lines 44-52).

Regarding Claim 9:

- replacing one or more symbols in the set includes substituting a wild symbols for one or more of the symbols, and wherein the wild card symbol stands in the place of one or more symbols on the list (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 10:

- replacing one or more symbols in the set includes substituting a wild symbols for one or more of the symbols, and wherein the wild card symbol stands in the place of every symbol on the list (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 11:

- replacing one or more symbols in the set includes substituting a wild symbol for at least one symbol on a reel of a slot machine, and wherein the wild symbol stands in the place of at least one symbol on the list (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 12:

- replacing one or more symbols in the set includes substituting a wild symbol for at least one symbol on a reel of a slot machine, wherein the slot machine generated wild symbol stands in the place of at least one symbol on the list (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 13:

- replacing one or more symbols in the set includes substituting a wild symbol for every symbol on a reel of a slot machine, wherein the slot machine generated the wild symbol on the reel as part of the set, and wherein the wild symbol stands in the place of at least one symbol on the list (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63) .

Regarding Claim 14:

- replacing one or more symbols in the set includes substituting a wild symbol for every symbol on a reel of a slot machine, wherein the slot machine generated the wild symbol on the reel as part of the set, and wherein the wild symbol stands in the place of every symbol on the list (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 15:

- replacing one or more symbols in the set includes substituting a wild symbol for at least one symbol on a row of symbols of a slot machine, and wherein the wild symbol stands in the place of at least one symbol on the list (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 16:

- replacing one or more symbols in the set includes substituting a wild symbol for at least one symbol on a row of symbols of a slot machine, wherein the slot machine generated the wild symbol on the row as part of the set, and wherein the wild symbol stands in the place of at least one symbol on the list (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 17:

- maintaining in a controller of the gaming device a list of symbols and symbol combinations that yield an award if generated by the gaming device (Abstract, Column 1, line 61-Column 2, line 30, and Figure 1 (35));
- generating a set of symbols, wherein one of the symbols is a wild symbol (Abstract, and Column 1, line 61-Column 2, line 30);
- providing an award for each symbol and symbol combination of the list appearing in the set, wherein the wild symbol stands in the place of at least one symbol on the list (Abstract, Column 1, line 61-Column 2, line 30, and Column 3, lines 28-32);
- substituting the wild symbol for one or more symbols in the set (Abstract, Column 1, line 61-Column 2, line 30, and Column 3, lines 28-32). As the wild card (penguin) moves to each of the symbols the symbol changes to a penguin and then changes back to the original symbol as the penguin moves on to the next symbol.
- providing an award for each symbol and symbol combination of the list appearing in the set, wherein each wild symbol stands in the place of at least one symbol on the list (Abstract, Column 1, line 61-Column 2, line 30, and Column 3, lines 28-32).

Regarding Claim 19:

- substituting the wild symbol for one or more symbols in the set includes substituting a wild symbol for at least one symbol on a reel of a slot machine, the

reel including the generated wild symbol (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 20:

- substituting the wild symbol for one or more symbols in the set includes substituting a wild symbol for at least one symbol on a row of symbols of a slot machine, the row including the generated wild symbol (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 21:

- substituting the wild symbol for one or more symbols in the set includes substituting a wild symbol for at least one symbol on a reel and at least one symbol on a row of symbols of a slot machine, the reel and the row including the generated wild symbol (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 22:

- substituting the wild symbol for one or more symbols in the set includes substituting a wild symbol for at least one other particular symbol of the gaming device (Abstract, Column 1, line 61-Column 2, line 30, Column 3, line 46-Column 5, line 63).

Regarding Claim 23:

- maintaining in a controller of the gaming device a list of playing cards and playing card combinations that yield an award if generated by the gaming device (Abstract, Column 1, line 61-Column 2, line 30, Column 5, lines 44-52);

- generating a set of playing cards, wherein one of the playing cards is a wild card (Abstract, Column 1, line 61-Column 2, line 30, Column 5, lines 44-52);
- providing an award for each playing card and playing card combination of the list appearing in the set, including the wildcard and combinations including the wildcard appearing on the list (Abstract, Column 1, line 61-Column 2, line 30, Column 5, lines 44-52);
- equating the wildcard to one or more playing cards in the set (Abstract, Column 1, line 61-Column 2, line 30, Column 5, lines 44-52);
- providing an award for each playing card and playing card combination of the list appearing in the set, wherein each wildcard stands in the place of one or more playing cards on the list (Abstract, Column 1, line 61-Column 2, line 30, Column 5, lines 44-52).

Regarding Claim 24:

- generating a set of playing cards includes randomly generating the set (Abstract, Column 1, line 61-Column 2, line 30, Column 5, lines 44-52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of Moody.

Bennett discloses that as discussed above with respect to claims 1-3, and 5-24. Bennett seems to lack explicitly disclosing generating a set of symbols includes a second spinning of the symbols on a reel used for the replacement of the symbols.

Moody (U.S. 5,823,873) teaches of a method of playing electronic video poker games wherein a player is dealt at least two rows of cards and one row of five cards is dealt face up. The player can select none, one, or more of the face up cards to be held. The cards that are held are duplicated from the first row to all of the other rows. Replacement cards for the non-selected cards are then dealt to the first row. The replacement cards dealt (randomly generated) into the first row for the cards not held is synonymous to replacing symbols on a slot machine reel or row by an additional spinning of the reels.

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to utilize the symbol replacing function of Moody in Bennett. Doing so would provide for a random generation of replacement symbols on the reels.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-1118. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Art Unit: 3713

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1118.

Scott E. Jones
Examiner
Art Unit 3713

SEJ

sej

October 23, 2001

A handwritten signature in black ink, appearing to read "M O'NEILL", written in a cursive style.

**MICHAEL O'NEILL
PRIMARY EXAMINER**